REMARKS/ARGUMENTS

In the first week of May, the attorney for Applicants and the Examiner had phone interviews discussing the claims. During the interviews, the Examiner raised certain objects to claim 14. Applicants amended claim 14 to overcome these objections.

Applicants amended claim 9 to clarify that the "client" element is a "client computer" and that the second server transmits both the first page and the program to the client computer.

Applicants further added claims 21 and 22, discussed below.

The Examiner made certain comments about the drawings. (Second Office Action, pg. 2) The Examiner noted that FIG. 1 only shows transferring data within a consumer computer, not 2-way communication between sales agent server 6 and agent web page. In response, Applicants amended FIG. 1 to show 2-way communication between the agent web page 14 and the sales agent server. The Specification discloses the transfer of data read by the agent program 18 to the sales agent server 6. (Application, pg. 7, line 10 to pg. 8, line 5) Moreover, the original claims filed with the Application disclose that the program that causes the computer to display the transfer data from one page with content from another page transmits the transfer data from to the server that sent the other page. (Original Claims 7, 9, 12, 14, and 18)

In the Second Office Action, the Examiner announced a new ground of rejection based on the Background Section, i.e., "Description of the Related Art", and stated that "the arguments about previous rejections based on ActiveX software are moot." (Second Office Action, pg. 2) Notwithstanding stating that the grounds of the previous rejection based on ActiveX software are moot, the Examiner repeated the previous grounds of rejection based on ActiveX software on pages 3-8 in the Second Office Action.

Applicants further note that the Examiner did not indicate whether his rejection of the claims based on the Background Section of the Application was based on obviousness (35 U.S.C. §103) or anticipation (35 U.S.C. §102). Nonetheless, Applicants submit that the cited Background Section does not teach, suggest or disclose the claim requirements for the following reasons.

The cited pg. 1, lines 18-21 of the Background Section mentions that to find the current price for a transaction, the consumer would have to access the centralized exchange to determine the real time price when purchasing a product over the Internet. The cited pg. 2, lines 5-6

mentions there is a need to provide mechanisms to make consumers confident about the fairness of the price they are being charged for a product.

Although the cited pgs. 1-2 discuss how users may determine a price for a product, nowhere do the cited pgs. 1-2 of the Background section anywhere disclose the requirements of claim 1 of displaying transfer data from a second page downloaded from a second server with a first page downloaded from a first server and then communicating the transfer data from the second page and second server to the first server. Nowhere does the Background Section anywhere teach, suggest or disclose these claim requirements of how to display transfer data from one page (the second page in certain claims) and one server (the second server in certain claims) with another page (the first page in certain claims) from another server (the first server in certain claims), and then communicate the transfer data to that first server.

These above requirements which distinguish from the cited Background Section are also found in the other pending independent claims 9 and 14. Thus, all the independent claims 1, 9, and 14 distinguish over the cited Background Section. Further, the Examiner has not explained how the Background Section teaches, suggests or discloses the requirements of the pending dependent claims.

Moreover, the Examiner states that transferring data from one document to another is known in the art. (Second Office Action, pg. 3) However, although certain components of the technology used to implement the invention may be known, nowhere has the Examiner anywhere cited art that teaches, suggests or discloses the particular claim requirements and operations.

The Manual of Patent Examination and Procedure (MPEP) states that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP, pg. 2100-131 (8th ed., rev. May 2004). Here the Examiner has not cited any art suggesting the proposed modification, i.e., to display transfer data from a second page and second server with content from a first page from a first server, and then communicate the transfer data from the second page/second server to the first server.

Moreover, Applicants request that if the Examiner maintains the rejection of the claims over the Background Section, that the Examiner specifically state the grounds of rejection, i.e., anticipation or obviousness, and explain how the cited Background Section discloses each of the claim requirements. See, 37 CFR 1.104(c)(2) ("When a reference is complex or shows or

describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable"); Manual of Patent Examination and Procedure (MPEP) Sec. 707, pg. 700-104 (8th ed., Rev. May 2004).

Accordingly, claims 1-6, 9-11, and 14-16 are patentable over the cited Background Section

On pages 3-8, the Examiner repeated the exact same grounds of rejection from the First Office Action, dated August 30, 2004, based on ActiveX related art. However, repeating of these grounds of rejection is inconsistent with the Examiner statement that "the arguments based on ActiveX software are moot." (Second Office Action, 2). Nonetheless, to the extent the Examiner relies on the grounds of rejection repeated from the First Office Action, Applicants provide the explanations submitted in the response dated November 30, 2004 ("First Response") as to why the pending claims are patented over the ActiveX related art. Applicants note the Examiner has not responded to Applicants arguments of patentability in the First Response explaining the shortcomings of the cited ActiveX art.

The Examiner rejected claims 1-6, 9-11, and 14-16 as obvious (35 U.S.C. §103) over the article "How to Write and Use ActiveX Controls for Microsoft Windows CE 2.1 (Microsoft, June 1999) (referred to herein as "Microsoft") in view of "Flexi Web Strategy Targets ActiveX First, Java Maybe" (Copyright 1996, Washington Post Newsweek Interactive) (referred to herein as "Flexi"). Applicants traverse these rejections for the following reasons.

Claim 1 concerns transferring data from a first server to a second server through a client computer over a network, and requires that the client computer performs: downloading and displaying content in a first page from the first server; downloading and displaying content in a second page from the second server including transfer data to communicate to the first server; displaying the transfer data with the content from the first page; and communicating the transfer data to the first server.

The Examiner cited pg. 1, lines 22-23 of Flexi. This cited section states that ActiveX will provide the ability to download components and that the downloaded objects persist on the desktop after the session. (Second Office Action, pg. 3) Nowhere does the cited Flexi anywhere teach or suggest the specific claim requirements that the client computer download and display a first and second pages from a first and second servers, respectively, and then transfer the transfer

data displayed in the second page to the first server and also display the transfer data with the content in the first page (from the first server)

The Examiner further cited the Microsoft article as rendering obvious many of the above claim requirements. The Examiner did not cite any specific sections of the Microsoft article, which is several pages in length. The Microsoft article mentions that Active X is a software architecture that provides a foundation for software services, such as OLE, which is a technology for transferring and sharing information among applications. (Microsoft, pg. 1, par. 4) The Microsoft article further mentions that if users downloading a page become frustrated because a page with a large component was taking too long to download, they could find Web content elsewhere. (Microsoft, pg. 2, par. 2).

Although the Microsoft article discusses ActiveX software which allows data to be transferred and shared among applications, nowhere does the above cited Microsoft article anywhere teach or suggest the specific claim requirements for sharing information by having the client computer download and display a first and second pages from a first and second servers, respectively, then transfer the transfer data displayed in the second page to the first server and also display the transfer data with the content in the first page (from the first server).

Nowhere do the cited articles, alone or in combination, anywhere teach, suggest or mention the specific combination of claim requirements that a client computer download two pages from two servers and then cause transfer data displayed in the second page (from a second server) to be displayed in a first page (from a first server) and also communicate that transfer data (in the second page from the second server) to the first server.

Accordingly, Applicants submit that claim 1 is patentable over the cited art because the cited combination does not teach or suggest all the claim requirements.

Claims 2-6 are patentable over the cited art because they depend from claim 1, which is patentable over the cited art for the reasons discussed above. Moreover, claims 2-6 provide additional details and requirements on how the transfer data (displayed in the second page from the second server) is communicated to the first server and displayed in the first page from the first server. Because the cited references nowhere teach or suggest how to transfer and display data with respect to different pages from different servers as claimed, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

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Independent claim 9 concerns a system for transferring data from a first server through a client, and requires: a second server; a network interface allowing the second server to communicate with the client; program logic implemented in a computer readable memory capable of causing the second server to perform: (i) in response to a request, transmitting a first page and a program to the client computer, wherein the first page activates the program in the xclient computer to cause the client computer to transmit transfer data to the second server, wherein the client computer accesses the transfer data from a second page the client computer downloads and displays from the first server, and wherein the program further causes the client computer to display the transfer data from the second page with the content from the first page; and (ii) receiving the transfer data from the client computer.

Amended claim 9 is patentable over the cited references for the reasons discussed with respect to claim 1. Claim 9 requires that a second server transmit a first page to a client computer that activates a program in the client computer to cause the client computer to download a second page from the first server that displays transfer data. As discussed with respect to claim 1, nowhere do the cited references anywhere disclose that transfer data from the second page (from the first server) is displayed with the content in a first page (from the second server) and that the second server receives the transfer data (from the first server).

As discussed, nowhere do the cited articles, alone or in combination, anywhere teach, suggest or mention the specific combination of claim requirements that a client computer download two pages from two servers and then cause transfer data displayed in the second page (from a first server) to be displayed with the content in a first page (from a second server) and also communicate that transfer data (in the second page from the first server) to the second server.

Accordingly, Applicants submit that amended claim 9 is patentable over the cited art because the cited combination does not teach or suggest all the claim requirements.

Claims 10 and 11 are patentable over the cited art because they depend from claim 9, which is patentable over the cited art for the reasons discussed above. Moreover, claims 10 and 11 provide additional details and requirements on how the transfer data (displayed in the second page from the first server) is communicated to the second server and how the transfer data (from the first page) is displayed in the second page from the second server. Because the cited references nowhere teach or suggest how to transfer and display data with respect to different

pages from different servers as claimed, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Amended independent claim 14 concerns a computer readable medium including a program and a first page including content and code to activate the program, wherein the first page and the program are transferred to a client computer from a first server, wherein the client computer is further capable of communicating with a second server, and wherein the first page and the program cause the client computer to perform: displaying the content in the first page; activating the program to cause the client computer to transmit transfer data to the first server, wherein the client computer accesses the transfer data from a second page the client computer downloads and displays from the second server, and wherein the program further causes the client computer to display the transfer data from the second page with the content from the first page.

Applicants amended claim 14 to clarify that the program and the page are transferred to the client computer from the first server, and to clarify that the program causes the client computer to transmit the transfer data to the first server from which the program came.

Amended claim 14 is patentable over the cited references for the reasons discussed with respect to claim 1. Although the Microsoft article discusses ActiveX software which allows data to be transferred and shared among applications, nowhere does the above cited Microsoft article anywhere teach or suggest the specific claim requirements for sharing information by having the client computer download and display a first page and program from a first server and a second page with transfer data from a second server, respectively, and then transfer the transfer data displayed in the second page to the first server and also display the transfer data with the content in the first page (from the first server).

Nowhere do the cited articles, alone or in combination, anywhere teach, suggest or mention the specific combination of claim requirements that a client computer download two pages from two servers and then execute a program included with the first page to cause transfer data displayed in the second page (from a second server) to be displayed in a first page (from a first server) and also communicate that transfer data (in the second page from the second server) to the first server.

Accordingly, Applicants submit that amended claim 14 is patentable over the cited art because the cited combination does not teach or suggest all the claim requirements.

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Claims 15 and 16 are patentable over the cited art because they depend from claim 14, which is patentable over the cited art for the reasons discussed above. Moreover, claims 15 and 16 provide additional details and requirements on how the transfer data (displayed in the second page from the second server) is communicated to the first server and display the transfer data (from the second page) in the first page from the first server. Because the cited references nowhere teach or suggest how to transfer and display data with respect to different pages from different servers as claimed, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Applicants added new claims 21 and 22. Applicants submit that these claims are patentable over the cited art.

Added claim 21 recites a system in communication with a first server and a second server, comprising: a first program executed to perform operations, the operations comprising: (i) displaying content in a first page downloaded from the first server; and (ii) displaying a second page downloaded from the second server including transfer data; and a second program downloaded from the first server to cause operations to be performed, the operations comprising: (i) accessing the transfer data included in the second page; (ii) displaying the transfer data with the content from the first page; and (iii) transferring the transfer data to the first server.

Claim 21 includes the requirements of claim 1 in a system format. The requirements of claim 21 are disclosed on pages 4-8 of the Specification.

Claim 21 is patentable over the cited art for the reasons discussed with respect to claim 1.

Claim 22 depends from claim 21 and further requires a memory location, wherein the transfer data is written to the memory location, and wherein the second program reads the transfer data from the memory location to transfer to the first server.

The added requirements of claim 22 are disclosed on pages 7-8 of the Specification. Claim 22 is patentable over the cited art because it depends from claim 21, which is patentable over the cited art for the reasons discussed above, and because the additional requirements of claim 22 in combination with the basc claims provide further grounds of patentability over the cited art.
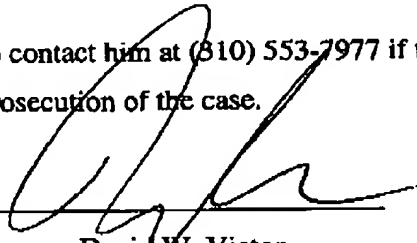
Conclusion

For all the above reasons, Applicant submits that the pending claims 1-6, 9-11, 14-16, and 21-22 are patentable over the art of record. Applicants submit that no additional fee is needed for the added claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0447.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: <u>May 16, 2005</u>   By:_____

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